

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE: OFFICE OF CONSUMER ADVOCATE, Complainant, vs. MERCURY INTERNET AND WIRELESS SERVICE, Respondent.	DOCKET NO. FCU-03-44
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ORDER ASSIGNING TO ADMINISTRATIVE LAW JUDGE

(Issued March 29, 2004)

On July 21, 2003, the Consumer Advocate Division of the Department of Justice (Consumer Advocate) filed with the Utilities Board (Board) a petition for a proceeding to impose civil penalties against Mercury Internet and Wireless Service (Mercury), pursuant to Iowa Code § 476.103 (2003), for an alleged violation of the Board's cramming rules.

On January 20, 2004, the Board issued an order docketing Consumer Advocate's petition as a formal proceeding, identified as Docket No. FCU-03-44, and requesting that Mercury respond to the allegations raised in Consumer Advocate's petition on or before March 2, 2004. Mercury has not responded to Consumer Advocate's petition.

In its January 20, 2004, order, the Board determined that there was sufficient information to warrant further investigation in this matter. Since Mercury has not responded to Consumer Advocate's petition, the Board will assign this matter to its administrative law judge (ALJ) for investigation and further proceedings pursuant to Iowa Code § 17A.11(1)"b" (2003). The ALJ will set a hearing date, preside at hearing, and issue a proposed decision.

IT IS THEREFORE ORDERED:

Pursuant to Iowa Code § 17A.11(1)"b" and 199 IAC 7.1(4), this docket is assigned to the Board's administrative law judge, Amy Christensen, to conduct a hearing and issue a proposed decision. The administrative law judge shall have the authority provided under 199 IAC 7.1(4)"a" through "j."

UTILITIES BOARD

/s/ Diane Munns

/s/ Mark O. Lambert

ATTEST:

/s/ Judi K. Cooper
Executive Secretary

/s/ Elliott Smith

Dated at Des Moines, Iowa, this 29th day of March, 2004.